

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HERMAN SMITH,

Plaintiff

v.

LYONDELL CITGO REFINING LP AND
AGENTS DAN SMITH, BILL THOMPSON,
JIM DANIEL, GREG NEVERMAN, JOHN
FINCK, LISA MCCORQUODALE, STEVE
LOTT, STEVE MCCARTHY, LINDA LAMB,
GORDON C. CONTI, CHRIS JEWELL

Defendants

CIVIL ACTION NO. H-04-0616

FINAL SUMMARY JUDGMENT

On this day, March 10, 2006, in the action pending between Plaintiff, Herman Smith, and Defendants, Lyondell Citgo Refining LP, Dan Smith, Bill Thompson, Jim Daniel, Greg Neverman, John Fink, Lisa McCorquodale, Steve Lott, Steve McCarthy, Linda Lamb, Gordon C. Conti, and Chris Jewell, the court issued its Memorandum Opinion and Order that Plaintiff's claims must be dismissed as a matter of law, and the court hereby

ORDERS that Plaintiff take nothing and that Defendants are awarded their costs.

SIGNED at Houston, Texas, this 9th day of March, 2006.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE